

Quid Novi

McGill University, Faculty of Law
Volume 25, no. 14 - January 11, 2005

Numéro
journée carrières
en droit civil /
Civil Law Careers
Day Edition



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QUID NOVI

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The *Quid Novi* is published weekly by the students of the Faculty of Law at McGill University. Production is made possible through the direct support of students.

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Week in Review...

Friends even after being atabbed

A British man was jailed on Friday for repeatedly stabbing a long lost best friend he had traced via the popular "Friends Reunited" Web site, and the victim says he still wants to be buddies. Brendan Walsh nearly killed his friend but felt remorseful right after and called the ambulance. Doctors said it was a miracle that his friend Noel survived the stab wound to the heart. Fortunately, he was cleared of attempted murder charge and will spend 3 years in jail for wounding with intent.

BBC airs Jerry Springer Opera

The BBC has defended its decision to air "Jerry Springer-The Opera" uncut with more than 3,000 swear words intact. The musical, written by British composer Richard Thomas and comedian Stewart Lee, is based on Springer's brash American talk show whose lurid topics ranged from "Honey I'm a Call Girl" to "Bring on the Bisexuals." In the show, viewers can watch a diaper fetishist confess all to his true love, catch a tap dance routine by the Ku Klux Klan and see Jesus and the Devil launch into a swearing tirade against each other. Springer loved the show, attending its London premiere and quipping: "I wish I had thought of it." There's no decision whether it will ever air in the United States.

Importance of being courteous

A German man, angered by a court decision, was left even more out of pocket when a judge gave him an extra fine for storming out of the court and slamming the door hard. The man had appealed the fine on the grounds the door had slipped out of his hand as he left the courtroom. But the appeal court rejected the appeal and upheld the judge's view and fine of 200 euros.

Editor's Page: End Of The World 2004

by Aram Ryu, Co-Editor-in-Chief (Law III)

Recent event in the South East Asia marked the end of a year fraught with violence across the globe and propels us into the new year with renewed uncertainty. The tsunami was truly an international disaster affecting many countries in the region (and some as far as Africa). Unlike in the movie "The Day After Tomorrow" where many regions in the world were flooded and subsequently frozen due to global warming, it struck without any warning and it hit many of the poorest locations in Asia. It seems I'm not the only one comparing the tsunamis to the aforementioned Hollywood disaster flick: some climate alarmists believe this is just a preview to catastrophes to come due to global warming. It is indeed debatable whether that is true and whether environmental fear-mongering is even appropriate just a few weeks after the tsunamis, but spectacular forces of Mother Nature cannot be denied: DigitalGlobe produced comparison pictures of the area around Gleebruk village on Sumatra Island that show total devastation after the tsunamis. <http://www.digitalglobe.com/images/tsun>

ami/Gleebruk_Tsunami_Damage_Jan2.pdf. Satellite images with birds' eye view on the disaster area gives us the luxury of temporarily going beyond the personal tragedies and look at the bigger picture, at the extent of the nature's fury.

All is not lost however, since tragedies often bring out the best of humankind: this disaster has brought together many unlikely groups of people. The tsunamis affected every major religious groups and there are now talks of the necessity of international disaster response. From the ruins come inspiring tales of astonishing survival, generosity and outpouring of international support from governments, NGOs and citizens. Even the sometimes stingy United States earmarked \$350 millions for disaster relief, part of billions pledged for the devastated regions.

For us, back to the Faculty after a short holiday break, the tsunamis do not have great effect unless you were personally affected: life goes on because it has to. According to LiveScience, you have greater odds of dying from traffic

than from tsunamis, even if you live in a coastal city. It perhaps has even less relevance to the legal profession. However, the beginning of this year is already eventful and plenty of developments are foreshadowing the year to come. Andrea Yates' conviction was overturned due to the overzealous expert witness for the prosecution who claimed she copied an episode of "Law and Order" when that episode was inspired by her actions: with a new trial ordered, there's hope that she will finally get a verdict that she had been entitled to.

Beginning of the year also brings Civil Law Careers Day to the Faculty: for those who are interested in staying in the Province of Quebec, going forward with the maybe-reformed Barreau du Quebec and utilizing your civil law knowledge, this is a great opportunities to meet representatives from major law firms in Quebec and Justice Quebec.

I wish you all a happy new year, and may your Winter session proceed without major accidents. ■

L'Ecole du Barreau vise à instaurer le nouveau programme dès septembre 2005.

Avant qu'un nouveau programme puisse être implanté, un nouveau règlement portant sur la formation des candidats à la profession d'avocat doit être adopté en vertu de l'article 95 du Code des Professions. Le processus prévoit une période de publication du projet de règlement, une période de consultation de 45 jours, et les étapes habituelles de lecture qui précèdent l'adoption proprement dite du règlement. La consultation s'étend aux divers acteurs concernés tels que : les ministères d'éducation et de la justice, les universités, les associations étudiantes, etc.

Actuellement, le projet de règlement a été publié. Idéalement, le règlement serait adopté au plus tard en fin février 2005. L'ultime date limite pour permettre la mise en place du nouveau programme serait la fin mars 2005. Si le règlement tardait à être adopté, l'Ecole du Barreau se verrait obligée de considérer reporter l'introduction du nouveau programme à septembre 2006.

Vous pouvez procurer le projet de règlement sur le site de l'Association des étudiants et étudiantes de Droit: <http://www.law.mcgill.ca/lisa/cadedminutes.htm>

Pour plus d'information, visitez le site du Barreau: www.ecoledubarreau.qc.ca/programme.

The Suits! The Suits!

by Nicholas Kasirer (Alumnus)

When, long ago, I stumbled back to the Law Faculty in the January of my first year at McGill, I remember finding the "careers day" activities that were sweeping through Chancellor Day Hall more chilling than the weather. Like many students, I had only the vaguest notion of what exactly a law firm was (and I was particularly unnerved by that fellow student who knew not only what they were but where they were and who was to be found in the corner offices). I had nothing close to a career plan beyond, say, Tuesday (and I was frightened by that colleague who was already buying RRSPs). The expression "la course aux stages" sounded to me like a cross-country ski race (although I quickly noticed that everyone seemed dressed for something more exerting). All the free pens and business cards made me want to go and hide in the Library ... the Art History Library. The fact that the moment coincided, as it does today, with the release of the fall grades suggested to me at the time that "Law" (*pace* Foundations) was not for me.

From the perspective (and comforts) of the Dean's Office, I know now that "careers days" hold mixed messages for law students and their teachers, and that we would all do well to reflect on them as the cycle starts up again in 2005. Careers day is of course immensely important - it is wonderfully organized by Brigitte St-Laurent and her colleagues in the Placement Office. It provides our deserving students with something

closer to a level-playing field in the search for the right job, replacing an old-boys network that did a disservice to many, and arguably a first disservice to the legal profession itself. Moreover, the careers represented on the day reflect the legitimate aspirations of many of our finest colleagues. Careers day also has a fellowship dimension - it is a social moment where recent graduates come back to the Faculty justly proud of the work they do. It is also a vote of confidence from the profession for McGill University and its original approach to legal education. Law firms and government agencies invest time and money in our event and we are most grateful - as are our students - to have them here. Careers day is, to be sure, a good thing.

Il est tout aussi vrai, sans doute, que la Journée carrières pourrait être plus éclatée dans les perspectives qu'elle annonce pour une carrière en droit. Chaque année on cherche à augmenter la visibilité des secteurs public et para public, à tailler une place plus robuste pour les activités juridiques moins traditionnelles, voire les activités "non juridiques" (*viz.*, Foundations). Il me semble que la Faculté - encore c'est à Mme St-Laurent à qui les honneurs reviennent - a fait un bon bout de chemin de ce point de vue, mais qu'elle a encore beaucoup de chemin à faire. Je me permets de vous signaler la publication prochaine d'un ouvrage publié par notre Service de placement intitulé *You're Not Alone! A Law Student's Guide to Careers in the*

Public Interest -- Vous pouvez trouver! Guide pratique des carrières en défense de l'intérêt public.

Il y a lieu, donc, non pas de relativiser l'importance de la Journée carrières, mais de la dédramatiser. Dans ma première année, l'événement m'a secoué et m'a fait perdre, un tout petit peu, le nord en ce mois de janvier. Que l'on se rappelle que la mission de la Faculté se rapporte avant tout à l'enseignement et à la recherche et - je le dis dans le plus grand respect pour l'entreprise essentielle que mène nos collègues au Service du placement - nous devons nous assurer que cette mission ne devienne pas un moyen vers une fin professionnelle et demeure une fin intellectuelle en soi. Abstraction faite de l'orientation "secteur public" ou "secteur privé" de la carrière envisagée, l'inconvénient de la planification professionnelle qui s'amorce dès la première année de droit est que l'on finit par fermer des portes autant que de les défoncer. Et, pour malmener cette métaphore déjà fatiguée, on dirait que la porte première qui doit rester ouverte est celle de l'université, c'est-à-dire celle qui s'ouvre pour nous tous sur la découverte, sur la curiosité intellectuelle et sur la vie de juriste du "quotidien" (*viz.*, encore, Foundations).

Blue suited or not - bonne rentrée à tous et à toutes! ■

Journée Carrières en droit civil – 12 janvier 2005

Une quarantaine d'employeurs seront à l'Atrium entre 12h30 et 15h30 afin de vous rencontrer en vue de la **Course aux stages** dont :

Association du Barreau canadien
Blake, Cassels & Graydon
Borden Ladner Gervais
Brouillette Charpentier Fortin
Cain Lamarre Casgrain Wells
Chambre des notaires du Québec
Cour d'appel du Québec
Cour municipale de la ville de Montréal
Davies Ward Phillips & Vineberg
De Grandpré Chait
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Fraser Milner Casgrain
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Greenspoon Perreault
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Joli-Cœur, Lacasse, Geoffrion, Jetté, St -Pierre
Langlois Kronström Desjardins
Lapointe Rosenstein

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Léger Robic Richard
Marchand Melançon Forget
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Mendelsohn
Ministère de la Justice du Canada
Ministère de la Justice du Québec
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Robinson Sheppard Shapiro
Secrétariat du Conseil du trésor
Smart & Biggar
Spiegel Sohmer
Stemthal Katznelson Montigny
Stikeman Elliott
Tutino Potechin
Woods & Associés

N'oubliez pas de mettre la main sur votre copie de **Profils 2005 Profiles** contenant les profils corporatifs de plus de soixante cabinets et organisations ! Des copies du guide seront remises à la Journée Carrières. Ces profils sont également disponibles sous format électronique : **CareerLink** (www.law.mcgill.ca/cpo , **Toolbox** – sous NALP).

La liste des cabinets/organisations ayant sollicité la collaboration du Service de placement pour la **cueillette des candidatures** est affichée sur **CareerLink** (www.law.mcgill.ca/cpo , **News Centre**, sous la rubrique '**Course aux stages**'). Vous devez vérifier cette liste régulièrement afin de prendre connaissance des plus récentes mises à jour.

The Career Placement Office offers you the possibility to **submit your application** for the firms/organizations listed on **CareerLink**. In order to use this service, you have to bring your complete application (cover letter + résumé + undergraduate and law transcripts of marks paper clipped – no envelopes) **before 12:00 noon to NCDH, Room 406, on the day of the deadline as listed on CareerLink. The three deadlines will be on February 4, 10 & 17, 2005.**

Une copie de l'**Entente** se trouve sur **CareerLink** (www.law.mcgill.ca/cpo , **News Centre**, type 'Entente' in the 'Search for posting' box, click on 'Click here for more options' and then click on 'Both', item # 275) et dans le guide **Profils 2005 Profiles**.

Le Service de placement organise une série de rendez-vous pour fins de vérification de CV et de lettre de présentation. Veuillez vérifier les dates de ces '**Résumé Clinics**' sur **CareerLink (Calendar)** et réserver votre place le plus tôt possible auprès de Frédérica soit en personne soit par téléphone : 398-6159 (évitez les courriels).

Brigitte St-Laurent
Frédérica Martin

Disaster in the Indian Ocean

by Mariam S. Pal (Law III)

By my own admission I'm a bit of a news hound and so, after I had partially tackled Christmas dinner cleanup I settled down on my couch to watch the 11:00 PM news. The top story was about a powerful earthquake hitting Indonesia an hour or two earlier. I was quite surprised to learn it had hit nine on the Richter scale. A few hours later, after watching "Miracle on 34th Street" I instinctively turned on the radio and heard the 2:00 AM news which announced the tsunami. The initial report was around 5,000 people dead and little did any of us know that this figure would increase on a daily basis to reach its current monstrous proportions.

The next day I started to learn the full extent of what had happened and realized the growing scale of this tragedy. I have either worked in or travelled to all of the Asian countries that were affected and as the days passed I learned that people whom I had known were missing and must now be presumed dead. This gave me a sobering connection to this disaster. I was one of the early people to log on to the Red Cross and make a small donation because when I did so it was quite easy to do. I also sent out emails to some of my more prosperous friends asking them to donate. Most of them did. If you want to donate it's not too late and I know the Red Cross will accept as little as \$5.00 online. That's two pieces of pizza at Pino's or four medium cups of coffee.

This disaster in Asia also made me reflect on a couple of things. I always hated those survivor reality shows because I always thought they made a mockery of the all-too-real situations that many people find themselves in through a horrible twist of fate. I tried watching one episode when the first

"Survivor" show came out and I was so disgusted with the patronizing portrayal of what it is really like to survive with nothing. People in the show did not suffer the loss of their families nor had they been through anything more traumatic than being cut off from their e-mail for a few weeks. Unlike the thousands of people who are displaced throughout the affected countries, participants in "Survivor" could always escape by an airlift or by hopping onto a boat because they were voted off the island or got sick. This is simply not an option for thousands of people left homeless and without a livelihood in a country like Indonesia or Sri Lanka. They are the real survivors and they're stuck there waiting for water, food and shelter.

I also started to think about tourism. The beaches in southern Thailand are beautiful and world-famous. Tourists flock to the more remote islands seeking refuge from the modern world and its 24/7 plugged-in culture. They arrive at Bangkok Airport and are quickly whisked onto another plane and then herded onto a bus which eventually takes them to their hotel. Some hotels are five star chains while others are smaller. Most are clean and comfortable and have all of the amenities which modern tourists want and are willing to pay for. The fact that the hotel is located on a beach on a remote island that is only accessible by boat or by driving along a narrow twisted road only adds to the charm. Until. Until a disaster hits and then you realize that you're in a developing country and that there's no disaster plan, no national emergency supplies, no way out because the boat dock got wiped away by the waves or the only road out is littered with debris. Where does all that tourist revenue go? How much of the money generated by

tourist dollars in a country like Thailand goes towards improving the local infrastructure? Do governments use some of the hotel tax to make sure that the roads are better and that the areas there is a disaster warning system? It does not look like it. I've read in the press that the Thai government was very reluctant to have a tsunami warning system because they thought this would scare the tourists away. And the recent disaster, does it encourage them? All this makes me think twice about going back to a beach on southern Thailand.

There were lots of thoughts going through my head in the last ten days but I will just share one last one with you. Many foreign tourists did not seem to have let their families know where they were. Travel to countries in Asia has become so routine that most people don't bother to register with the embassy or even let their families know where they have gone to. But imagine the anguish of family members left wondering whether or not someone they love really was on the beach that day. It must be awful. I think there's something to be said for escaping reality and who doesn't want to get away from their family at times. However, in a matter of seconds a wave can hit you and you're gone forever. So I guess it's a good idea to let someone know where you are even if it means leaving a sealed envelope taped to the fridge.

I'll stop here. I realize it's only the beginning of the term and many of us are feeling quite rested, even optimistic, after nice break at Christmas. Sorry to be writing such a serious story but I felt it was worth sharing some of my observations with my fellow students. I promise a bit more levity in my next article. Hell, I may even complain ... ■

Keep your eyes open for:

The LSA Speakers Series:

January 10th-17th 2005

L'Association des étudiants et étudiantes en droit de McGill présent le "Speakers Series" qui aura lieu le lundi, 10 janvier jusqu'au lundi, 17 janvier.

On each day throughout this week, a different speaker, sponsored by various law firms, will address students at the Faculty on interesting topics including, international competition law, corporate governance, trade law and constitutional law. A reception will follow each presentation, where students will have a chance to converse with the speaker and with representatives from the law firm.

The purpose of the Speakers Series is to provide students with the opportunity to interact with law firms on a more academic level. In addition, this Series will serve as a vibrant and stimulating "welcome back" to students. We hope that the series will get the winter semester off to an energetic start!

L'AÉD est hâte à avoir de participation d'un grand nombre des étudiants de la faculté et qu'ils tirent un avantage de ce nouveau événement.

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Swimsuit Models and Reality

by Lisa Schneiderman (Law II)

Last Wednesday, I watched NBC's newest reality show, the Sports Illustrated Swimsuit Model Search. 12 women are competing for a chance to appear in the annual Sports Illustrated magazine's Swimsuit Issue and receive a \$1 million modeling contract with Next Model Management. Although I normally enjoy mind-numbing television, this show has no redeeming qualities.

The competition involved a walk down a runway and a beachside photo-shoot in order for the judges to learn more about the contestants. Conceivably, this might have been entertaining since none of the women are well-known professional models. However, the announcers lacked charisma. Not only were they humourless, but they barely added any industry expertise which aspiring models and viewers might have enjoyed learning.

Since all the contestants are living together in a large Malibu house, the dinner scene might have provided an opportunity for the television audience to gain some insight into each contestant's personality. But all I remember is one girl eating an asparagus or something similar in 12 bites and another being really pleased that she withstood the temptation of chocolate cake while her competitors gained the pounds. I couldn't help wondering if the girls were eating in response to peer pressure, and if they would keep their dessert down. Actually, now that I think about it, I never saw any of them eat the cake.

Like all reality shows, the show ended with an elimination round. Proving that personality and beauty are separate, and perhaps to emphasize the seriousness of the competition, one girl was eliminated for being too friendly and considerate - because her lack of competitiveness wouldn't enable her to survive in the modeling business.

Another girl was eliminated because her upper and lower body wasn't proportionate. Apparently, she didn't have a big enough neck, so her head just sat on her shoulders. Surprisingly, the girl with love handles on her back and a sagging butt made it through to the next round as her eyes spoke to the camera. I should mention that I didn't see either areas of fat, but the professionals warned her to get rid of it.

Is it degrading? Yes, but it probably isn't any worse than other television shows or magazine advertisements. At least they are being honest about their aims. The true superficial nature of the show can be seen on its website where you can learn each contestant's vital statistics such as height, weight and favorite color. On the same page, you can also rate each contestant's physique, style, and personality on a scale of 1 to 10. The interview section, where the contestants reveal a number of models whom they idolize and their perception of the modeling industry, is the most disturbing because I am sure it is shared by millions of people.

At one point, the show might have contributed something valuable by showing that these models exercise

regularly. It was impressive that two girls managed to keep up constant jumping jacks, push-ups and sit-ups for over 50 minutes. Unfortunately, the athletic scene didn't just test each girl's level of fitness, but their ability to follow commands to alternate exercises using a 'Simon Says' method. As a result, the women were essentially kicked off for not being capable of following a man's directions.

I can't help wondering how many people, especially teenagers, must share the same dreams of becoming a model or stood in front of the mirror after the show, trying to make sure their neck was big enough, or if they had love-handles on their back. It's pointless, not only because someone else's perception of beauty shouldn't influence our own self-esteem, but because people are probably now looking for and seeing flaws in their body that don't actually exist.

I know it is part of the job, but I also feel bad for the models who must endure the judges' criticism. I guess modeling is like all competitions where the runner-ups have to feel good about the effort they made. However, one's appearance is so closely linked to one's self, and there often isn't a way to really alter someone's body structure, so the criticism must really feel hurtful. I can't imagine how this show is not harming people.

I am hoping the show will be a flop and be cancelled mid-way through the season. But the irony is that by exploiting women (even though the ►

show is advertising as helping these women pursue their dreams), the Sports Illustrated Swimsuit edition will probably see its biggest increase

in profits by women who will now purchase the magazine because of the media exposure generated by the television program. ■

If you are interested in joining the McGill Law School's Women's Caucus, please email natashahimer@yahoo.ca.

Law School Ghetto - Oxymoron?

by Nicole P. Anthony (Law I)

Urban Definition: Ghetto

1. (adj.) substandard conditions, dirty, nasty
2. (adj.) backwards mentality
3. (adj.) poor or relating to poor life
4. (n.) close quarters and uniform housing patterns

Law school ghetto is an oxymoron, right? I will let you decide for yourself. If you wander into the law faculty basement, be prepared because you may be shocked at the state of this area. You will be entering the law school ghetto. I call this the ghetto for many reasons.

1. All students are subjected to small living quarters (i.e. lockers). Come on guys you know what I am talking about. I can't even fit all my textbooks in there. I have to use three lockers (please don't tell the OUS!!!). Ghetto!

2. The student lounge is dirty!!! Actually, dirty is too kind. Let's say nasty! I don't think that room has seen a mop, broom or any other cleaning utensil in ages. Let's not even talk about the microwaves. It looks like WWII happened up in there. Ghetto! (A shout out to Heather Unger who recently cleaned the microwaves.)

3. The basement itself is so grim

and gloomy. How about some colour on the walls, so I can feel inspired and produce some great legal contribution. Ghetto!

4. All over the basement, we are bombarded with the Quid. Is this the faculty's best legal contributions? Come on guys, we can do better. Ghetto!

5. Pino's, the school cafeteria, is ghetto! Why are we fighting to keep this place open? It could not be because of the food or the service. Ghetto! Ghetto!

6. Let's not even talk about the washrooms! Toilet paper, please. Ghetto, Ghetto, Ghetto!

7. If you are going to eat in the lab (and you shouldn't), at least remove your empty coffee cups and junk food wrappers. That one gets 5 ghettos. Ghetto! Ghetto! Ghetto! Ghetto! Ghetto!

Many of these issues can be resolved. First, I understand that the faculty has some space and financial constraints to improve the locker situation. I resolved my issues by occupying three lockers. This may not be a solution for everyone. Somehow installing a shelf would create more space. Second, we need to be responsible for ourselves and be mindful of other people. The garbage

cans are not there for decoration. Actually, we could use some more recycling boxes for our cans and bottles. Clean up after yourself, because yoh mama taught you bettah. Third, some of the best work has been produced in the hardest and weariest conditions. I can only assume the administration is aware of this fact and is only trying to increase our intellectual output. Fourth, while the Quid is generally entertaining, it has made sexist remarks and other inappropriate comments regarding students and professors. Let's step up! Fifth, I have a dream. I have a dream that I will get quality food and good service at the cafeteria. I have a dream today! Sixth, I can only ask that the sanitary engineers realize that we are at their mercy. Please check the washrooms more regularly. Finally, I have just one word for those who leave garbage behind: GHETTOOOO!

The basement is our home (do you hear the violins playing?). I spend more time there than I would like to admit. If you see someone doing something that is contributing to the ghettoness of the basement, call them out on it.

The moral of this story: Don't be Ghetto! ■

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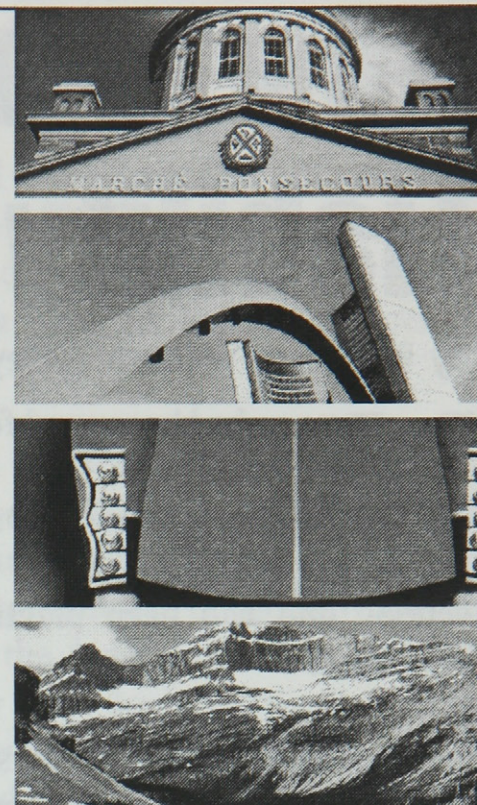
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How to be Sued for Professional Liability Without Even Trying

by Professor William Tetley

No one had been sued for professional liability at the Montreal law firm of Martineau Walker (now Fasken Martineau Dumoulin) in its long history, until I came along. I joined the firm in 1952 out of law school, and had been practicing for ten years when it happened.

I received a claim for personal injury for \$5000 caused to an American passenger in a car, struck by a drunken driver in a small town in one of the Maritime Provinces of Canada. I did not do personal injury work and in any event could not handle such a claim outside Quebec, but it was sent by the claims manager of a very important maritime law client in New York - Marine Office of America. I tried to convince him to send the case himself to a lawyer of his choice, but the passenger was a personal friend of his and I was "the only lawyer in Canada in whom he had complete confidence. (Up to that time, I had been very fortunate in everything I had handled for him.) He added that the case "was open and shut". Oh yes!

I looked up the Maritime Provinces in the legal directories and the only lawyer in the town was one whom I will call Mr. XXX, Q.C. I sent the claim to Mr. XXX in the small town in New Brunswick where the accident took place and made it clear that I wanted the suit and the writ served immediately, because the delay to sue was one year in Quebec and most other jurisdictions. He was the only lawyer listed in the town, listed in Martindale Hubbell. He replied that he would comply and, later, that he had complied. 18 months later he advised that he had issued, but not served the writ and the claim was now out of time. I asked him to send \$5,000 without delay and he replied that his insurance company would not pay or allow him to pay.

I consulted Bob Walker, Q.C., one of the partners of Martineau Walker who looked at the file and saw that it was perfect, from our point of view. (No doubt not every one of my files would have been that good.) Bob said our reputation was at stake and we could not pay, nor would

our insurers. (In retrospect, I realize I should have insisted that we pay and then sue Mr. XXX.)

The New Yorker hired a Montreal lawyer who sued Martineau, Walker, Allison, Beaulieu and Tetley (as it was then) and all the partners were personally named in the writ and served with a statement of claim. Harold Walker, Q.C., one of the founders of the firm nearly sixty years before and now Counsel, was astounded when he received his copy of the proceedings and said to another partner, Peter MacKell, "Aren't you glad it wasn't you?" Peter, a very good friend, whom I had known since the age of sixteen, immediately came into my office to advise me of Mr. Walker's comment. My anger directed towards Mr. XXX and my angst in respect of my client in New York were unbounded, but using damage control, we hired ►

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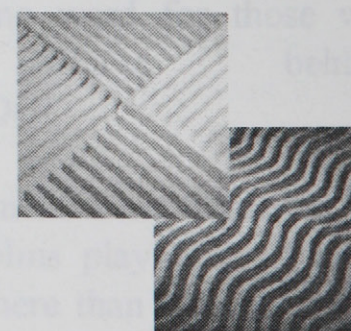
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Bill Grant Q.C. of Howard, Cate, Ogilvy, Bishop, Cope, Porteous & Hansard (now Ogilvy Renault) to represent us and he called Mr. XXX Q.C. into the proceedings as "defendant in warranty".

Eventually, just before trial and after my embarrassment at being personally examined on discovery, Mr. XXX's lawyers suddenly settled, paying the \$5,000, interests and court costs. Bill Grant generously charged nothing, but finally accepted \$500.00, a minor sum in the circumstances.

A week later, I read in the paper that Mr. XXX had been elected in a provincial election and had been named Attorney General in the new government of his province.

In 1968, I went into Quebec provincial politics, as a member of the National Assembly and as a cabinet

minister, but Mr. XXX's and my paths never crossed at inter-provincial conferences or elsewhere. In 1976, I left politics and became a law professor at McGill and, in 1982, was invited to speak on consumer protection at a conference of Provincial Court Judges in Vancouver. As I entered the large conference hall, I noticed that one of the persons on the list of attendees was the Hon. Judge Mr. XXX. Someone pointed him out as the large figure across the room and as I approached, he turned to me, held out his hand and said "Mr. Tetley, I believe I owe you an apology". We shook hands, mumbled a few nothings and that was the first and last time I met Mr. XXX. ■

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William Tetley, Q.C. practiced law from 1952 to 1968, in what is now Fasken Martineau Dumoulin, was in the Quebec National Assembly and

was a Minister from 1970-1976 and from 1976 to the present has taught law at McGill University. He is Counsel to Langlois Kronstrom Desjardins of Montreal and Quebec City and is writing, amongst other things, a book on his experiences in the law.

** The law profession is the only profession where you are still "practicing" even after 50 years. It is also a rare example of modesty on the part of the legal profession and the humility is no doubt justified. Once, a new client, who was the owner of 125 Diamond Taxis and who seemed to be the richest man in Town of Mount Royal at the time, came to me for advice, looked me straight in the eye and said: "When it comes to lawyers, always get the best, because the best is none too good."



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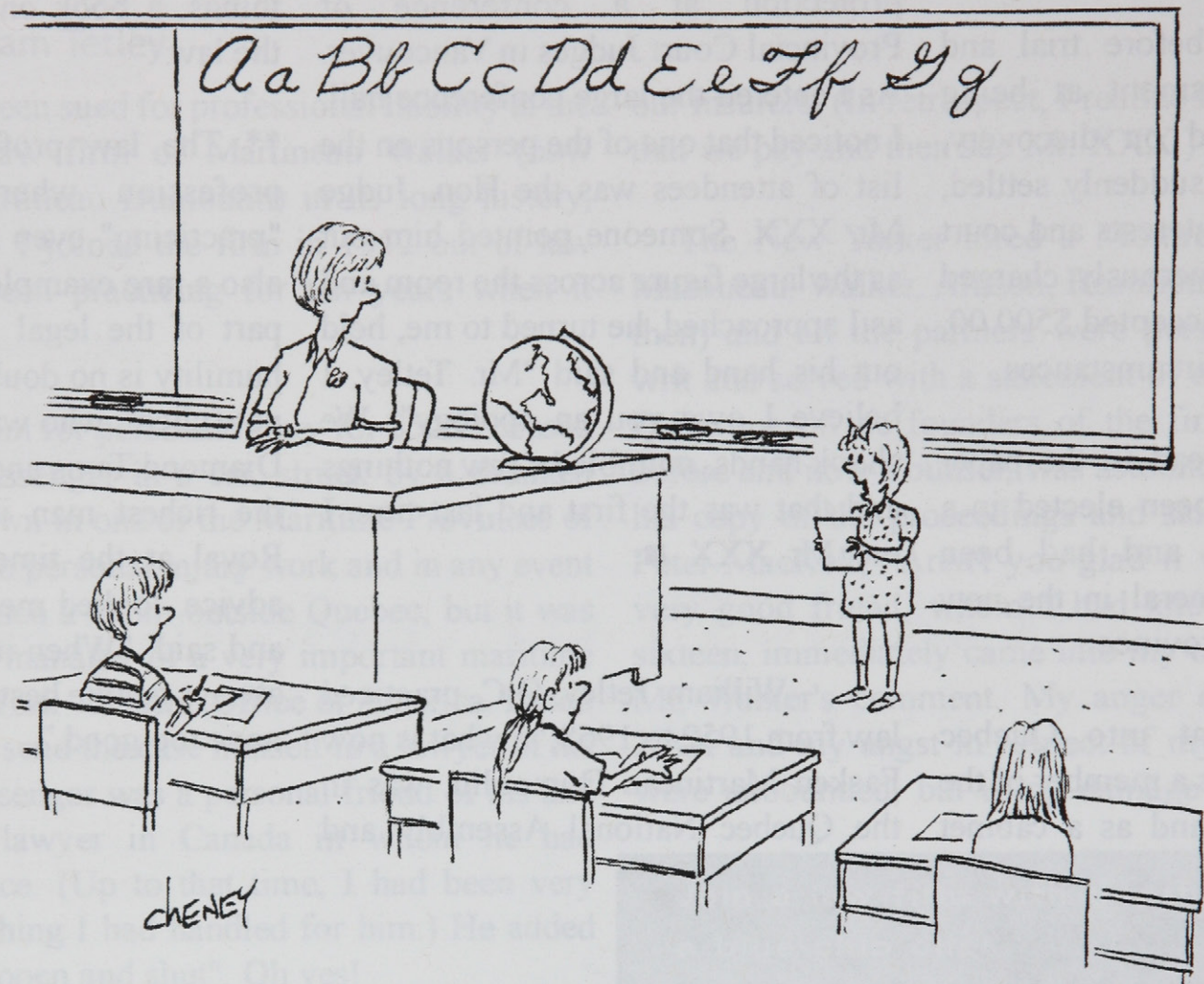
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A Look at What's Going On at the Faculty

by Neil Modi (Law I, Faculty Councillor)

I would like to start off by offering my sincere condolences to those members of the McGill community affected by the tsunami. My thoughts and prayers are with you.

Shifting gears, the fall 2004 semester has been crucial to the future of the faculty. The more publicized issues included the "Registration Nightmare," Bar School reforms, the cost of tuition, and the grading system. Less publicized is the work that your faculty councillors have been doing through their participation in various sub-committees.

As your student representative on the Faculty Council, I am currently serving on the Examinations Committee chaired by Professor Blackett. The major project we are grappling with is the use of laptops to write in-class exams. The project was initiated by LSA-VP Finance David Dubrovsky in the fall of 2003. The project got off to a great start, gained momentum, everyone involved was excited, and then for various reasons the project couldn't be implemented in time for the spring 2004 exams. Since then, the key players in the project have changed with new leadership and new student reps coming into the picture (including myself). Circumstances have also changed and there is interest at the university level. Members of the Examinations Committee met with VP Masi of the university's central administration to combine our efforts. A major issue is whether we can come up with an "in

house" solution to the software that will be required rather than contracting with an outside software provider. In any case, the wheels will start rolling this semester and hopefully we can get a pilot on the way by fall 2005. I'll keep you guys posted on further developments and details. FYI, compared to faculties in the USA, we are playing catch up. Also, before you approach me with the nightmare scenario of a computer crashing or being able to cheat, I advise you not to worry. These are the sorts of issues that we are dealing with and exactly why getting a pilot off the ground isn't as simple as it may seem. It's also much harder to sell a shoddy product to law students!

The other issue that really got to me last semester was the suitability of the Moot Court as a classroom. Low lighting, less-than-desirable acoustics, a makeshift mobile blackboard with microscopic writing, the absence of electrical outlets for laptops, and curtains which are always closed so that we cannot look outside were some of the things that I got ticked off about. I mean we're not vampires, being able to look out a window can't hurt, being able to read what's written on the board would help, and not having a laptop friendly environment is an outright unforgivable outrage! Seriously though, improved lighting, electrical outlets, better acoustics, and a way for professors to have their blackboard writing magnified to improve visibility can only help. My major concern was the lighting

because I'm not there to watch a movie (though sometimes I wish I were watching a movie instead - just kidding!). Fully disgruntled and encouraged by those around me, I made the LSA and Dean Kasirer aware of my concerns. The dean will be forming a committee to handle renovations. Of course Moot Court improvements will take a lot of money and getting the money will require being creative (not creative in the sense of pulling an Oceans Eleven or Twelve, but rather appealing to or irritating the faculty's alumni!). Moot Court improvements have to become a priority. With an increased class size and the classroom being the place where we get a lot of our information (we also "read," but that's not the point), a suitable classroom environment that is conducive to learning is a necessity. Anyways, I'll let you know what the deal with the committee in charge of renovations is when we actually convene and I get more information.

Having bored you with what I've been up to as your faculty councillor, and having subjected you to my poor attempts at humour here and there, let me try and redeem myself by wishing you the best of luck in all your pursuits for 2005.

As always, your input is important to me. If you have any questions, comments or concerns, please e-mail me at nilesh.modi@mail.mcgill.ca or tag me down in class or in the halls. ■

From CEGEP to Law School: In Retrospect

by Samantha Tena-Russell (Alumnus 1)

OK, as I know full well how it goes, most of the regular Quid readers are probably sick of this topic and will not even bother looking at my article. That's OK. In fact, most of the current regular Quid readers probably don't even know who I am. That's OK, too. Most of last year's Quid readers didn't know who I was either. Oddly enough, I waited until after I graduated before ever submitting to the Quid. Nevertheless, since this is a topic that hits close to home, I just felt that I had to put in my two cents.

As you may have guessed, I too got into McGill as a greenhorn, straight out of CEGEP at 18 years old. And yes, I also went to Marianopolis. I worked hard to get into law school, because by the time I was in my 2nd year of high school, I knew (or rather, I thought) that I wanted to be a lawyer. I was always top of my class in high school and in CEGEP. That changed once I got into McGill but whatever, I still got two diplomas in June and that's all that matters to me now.

As a first-year straight from CEGEP, I was never (as in NOT EVEN ONCE) treated with any disrespect because of my age. And to my knowledge, neither were any of the other 30 CEGEP students who entered the McGill Faculty of Law in September 2000. So Ms. Fuchs, no need to be appalled. I was always treated as an equal, as a peer ... never as "just a girl from CEGEP." In fact, most people were quite surprised when they found out that I was only 18 years old. And when it did come out, no one ever looked down on me. In most cases it was quite the opposite. Many told me they were impressed. Some were even envious that I still had time to relax and not worry about getting a job because I still had "my life ahead of me." I never felt that I should be envied, though. I was awed by the experiences and education that my fellow students had. If anyone felt that I needed to be treated as an inferior, it was I.

I made the most out of my time at McGill just like any other student would. I loved my classes (except for first-year Contractual Obligations), ate at Pino's, drank at Coffee House, and spent too many hours in Nahum Gelber. I had a hard time in law school but it was not because I came equipped with nothing under my belt but a DEC in

Commerce "and a smile."

I wish that I could say that I'm now writing from a swanky apartment in Manhattan because the New York recruiters were also impressed by my youthful energy. Well, then again, maybe I don't wish that. I'm actually writing from a small apartment in a suburb of Osaka, Japan (where I have been living since July) because I've taken some time away from the pursuit of my legal career. I wanted to get those experiences that I didn't get before getting into McGill. I wanted to live abroad, experience a different culture, learn a new language ... So instead of going straight to l'École du Barreau after graduation, I hopped on a plane to the other side of the world to do just that. The friends I made in my first year of law school with BAs, MAs and PhDs (and now BCLs and LLBs) always told me that I had my whole life ahead of me. Four years later, at 22 with not one, but two law degrees, I know that's true. ■

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Examining Oneself

by Adrian Lomaga (Law I)

Exams bring out the best in people and they also expose the worst. I mean really - some people are just brilliant, and others, well, just plain dumb.

Now that I've gotten your attention, I'll proceed with my (hopefully) never-ending mission to push myself, and others, to stop and reflect on who they are as individuals. And looking over how we behaved during exams is a great place to start.

Were you generally happy during exams or were you miserable, anxious, or depressed? Perhaps your mood was cyclical. Depending on how you reacted will reveal much about yourself. Think about it. I promise it'll be more useful to you than the lecture you're in now.

If you're pleased with how things went in terms of your mood and attitude, then don't waste any more of your time reading this. The remainder of this article is meant to reach the 43% of us who will be unhappy when we first start working after graduation. (This statistic comes from the Canadian Bar Association. I'm sure you can find more info on their website.)

How is our mood during exams related to working in the real world? Well, quite simple actually. What's so unnerving about exams? It's the fact that our performance is being assessed. In school, this occurs periodically. But at work, it's daily.

I admit, when I was a Bachelor of Arts student, I would often place academics as my top priority. This strategy has gotten me into law school

but it has come at a cost. I once believed that it was possible to make short-term sacrifices for long-term gain. What I realize now is that this is not necessarily always true. There are opportunities in life that come only once, and if missed, may never reappear.

What it all boils down to is balancing priorities. If you were not able to enjoy yourself during exams and were distraught by this, then reconsider what you hold dear to your

heart. Don't let the doom and gloom weigh you down in a quagmire of misery!

School is school. It shouldn't define you just as your future job shouldn't define who you are. It's a terrible thing in our society when people ask: "So, what do you do?" - and believe that the response encapsulates that person's character and interests. There's more to life than a job - and school for that matter. ■

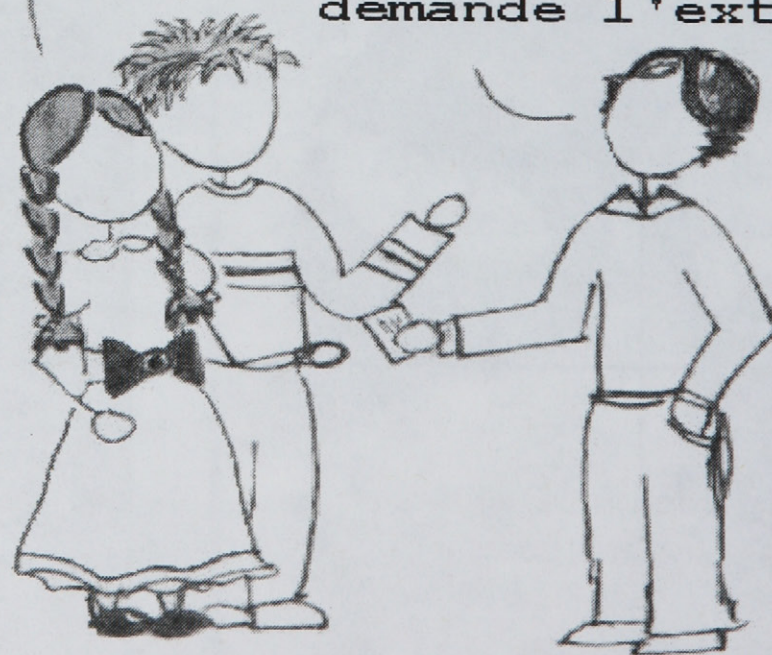
Les aventures du Capitaine Corporate America

by Laurence Bich-Carriere (Law I)

On voulait poursuivre le Père Noël parce qu'il ne nous a pas apporté ce qu'on lui avait demandé...

Mais nos parents nous ont dit qu'on ne pouvait pas parce qu'il était retourné au Pôle Nord...

Voici ma carte. Dès que j'ai mon Barreau, on demande l'extradition.



On sait, ça commence jeune.

Need a Half-Price Massage?

by Naomi Kikoler (Law II)

My Backpack today:

1 hardcover text book + 1 course book + 1 laptop + 1 small water bottle = 15 pounds.

That is on an average day. During exams, when I was lugging around excessive amounts of food, more textbooks, and an extra sweater to deal with the Faculty's bizarre changes in temperature, I, like many other students, was probably carrying 25-30 pounds on my back.

When you factor in the hours spent sitting in class, in the library, and in front of the computer, as well as the negative effects that school-related stress can have on our bodies, our backs take a real beating over the course of our studies.

Last semester, a sports-related back injury kept me in bed for a week and then in pain and unable to move properly for much of the semester. Out of that mishap, I came across a little-known fact that helped me, and it may help you. Rather than pay the usual \$60+ for an hour-long back massage, McGill students can pay \$25 for the same service at the Sports Medicine Clinic. Here is the info that you need to take advantage of this very relaxing option.

The university's health plan "covers the cost of a physiotherapist, chiropractor, naturopath, osteopath, registered dietician (upon referral by a medical doctor), podiatrist/chiropractist, athletic therapist and speech therapist for a maximum of \$20 per visit, \$400 per category of practitioner per policy year." This means that while a massage at the Sports Med Clinic costs \$45 dollars for McGill Students and \$50 for Faculty (the first visit costs \$55 for students and \$60 for faculty), the \$20 refund (which you receive 3 months later) makes the massage more affordable.

What can you do when you have maxed out your \$400 limit or if you can't stand having strange people touch your back? Well, the obvious answer is: carry less. You can also make sure that your backpack fits and has a waist belt or opt for a bag with wheels. A big help would be to use your locker - given the ridiculous size of first and second year

lockers as attested by my inability to fit my winter jackets and boots into my locker, this might present a challenge. It is also a good idea to get up and stretch often and to try not to carry more than 10-15 percent of your body weight on your back. The Faculty could also help us by ensuring that each professor places on reserve a copy of the texts used in the course. Perhaps some of us would then opt to leave our course books at home.

For those who would like to unwind by having a massage you can make an appointment by calling 514-398-7007. You should book an appointment at least two weeks in advance, except during exam time, when a one month notice is needed. The McGill Sports Medicine Clinic is located at 475 Pine Ave. West on the top floor by the pool staircases. More information can be found at www.mcgill.ca/athletics. I hope this helps! ■

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